

WYANDOTTE COUNTY, KANSAS LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)
BY-LAWS OF THE LEPC

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WHEREAS, the Superfund Amendments and Reauthorization Act of 1986 (SARA) was enacted by Congress into law on October 17, 1986, and contains Title III: The Emergency Planning and Community Right to Know Act of 1986.

WHEREAS, Title III establishes requirements that federal, state, and local governments and industry must implement regarding emergency planning and community right to know reporting on hazardous and toxic chemicals.

WHEREAS, pursuant to Title III, the state commission designated Wyandotte County a local emergency planning district and has appointed a local emergency planning committee for Wyandotte County, composed of elected officials, police, fire, first aid, civil defense, public health professionals, and environmental, hospital, and transportation officials, as well as representatives of facilities subject to the emergency planning requirements, community groups and the media.

This committee has been named the Emergency Planning Committee for Wyandotte County (the Committee).

WHEREAS, the task of the Emergency Planning Committee for Wyandotte County is to establish rules give public notice of its activities, establish procedures for handling public requests for information, and develop an emergency response plan.

This plan must:

- identify facilities containing and transportation routes for extremely hazardous substances;
- include emergency response procedures;
- designate a community coordinator to implement the plan and register company appointed facility representative(s) to participate in the planning process;
- establish emergency notification procedures;
- develop methods for determining the occurrence of a release and the probable affected area and population.
- describe community industry emergency equipment and facilities and identify the person(s) responsible for them;
- include evacuation plans;
- describe and schedule a training program for emergency response personnel;
- provide methods and schedules for exercising emergency response plans.

The Committee must receive opinions and information from members of the public. The Committee may enter into agreements with other governmental entities, advisory boards, committees or councils.*

WHEREAS, to meet these goals the Emergency Planning Committee For Wyandotte County has adopted the following bylaws:

ARTICLE I ORGANIZATION

Section 1 Name of Committee.

The name of the Committee shall be the "Emergency Planning Committee For Wyandotte County".

Section 2 Status of Committee.

The Committee shall operate as a governmental entity pursuant to and in strict accordance with all applicable laws, regulations, guidelines and ordinances.

Section 3 Mailing Address and Telephone number.

The official mailing address and telephone number of the Committee shall be:

Civil Defense Office
701 N. 7th Street, Room B 20
Kansas City, Kansas 66101
(913) 573 6300 (during business hours)
9-1-1 or (913) 371 2121 (emergency reporting)

Section 4 Monies and appropriations.

The Committee may receive and disburse public and private funds for the purpose of implementing the Emergency Planning and Community Right to Know Act of 1986 in Wyandotte County, Kansas. Such monies shall be deposited with the Kansas City, Kansas, city treasurer and credited to a "separate cost center" within the Kansas City, Kansas, and Wyandotte County Civil Defense budget.

All disbursements will require prior authorization by the Chairperson by category or specific item. Periodic financial reports will be made to the Committee as required by law or requested by the Committee or Committee Chairperson.

Section 5 Fees.

Reasonable fees may be collected for information provided or services rendered by the Committee. The fees collected shall be as established or recommended by local, state or federal law, regulation, guideline or ordinance. In the absence of a recommended or required fee, the fee shall be determined by the Chairperson based on the cost of providing the information or service.

Section 6 Minutes of Committee Meetings.

Accurate minutes of all of the meetings of the Committee shall be kept in a journal of the Committee, which shall be maintained for such purpose. Accurate minutes shall include, but not be limited to, a record of all votes of the Committee, a record of attendance at meetings and a summary of Committee discussions. A short summary of the minutes of each meeting shall be mailed to each Committee member subsequent to each Committee meeting.

Section 7 Agenda for Committee Meetings.

An agenda of each Committee meeting shall be mailed or delivered to each Committee member prior to each Committee meeting, unless a majority of a quorum of Committee members present at a meeting at which a vote is taken vote to eliminate this requirement. Should this requirement be eliminated, it can be reinstated by a majority vote of a quorum of Committee members present at a meeting at which a vote is taken.

The agenda for the next meeting may be mailed or delivered to each Committee member at the same time as the short summary of the last meeting. This requirement can be eliminated in the same manner as the requirement that an agenda be mailed to each Committee member prior to each meeting.

However, an agenda for each meeting shall always be mailed or delivered to each person or entity whose name and address are found on the list of those to whom notice is required. The list to whom notice is required shall be provided to the Committee and updated as needed by the Wyandotte County Public Information Officer.

ARTICLE II Officers

Section 1 Officers.

The Officers of the Committee shall be a Chairperson and Vice Chairperson.

Section 2 Chairperson.

The Chairperson shall preside at all meetings of the Committee, be responsible for preserving order and decorum, and submit recommendations and information as he or she may consider proper concerning the business, affairs and policies of the Committee.

Except as otherwise authorized by these bylaws or by resolution of the Committee, the Chairperson shall sign, or delegate to the Vice Chairperson the authority to sign, all official documents of the Committee. The Chairperson shall establish, or authorize the Vice Chairperson to establish, any fees collected by the Committee. The Chairperson shall also insure that an agenda of each Committee meeting is mailed or delivered as provided by Article I Section 7.

Section 3 Vice Chairperson.

The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In case of the resignation or death of the Chairperson, the Vice Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Committee shall elect a new chairperson.

The Vice Chairperson shall have the authority to sign official documents of the Committee or establish fees to be collected by the Committee pursuant to authority delegated by the Chairperson. The Vice Chairperson shall insure that any information gathered by the Committee or submitted pursuant to requirements established by the Committee is stored at the Office of Civil Defense, at the address provided in Article I Section 3.

The Vice Chairperson shall insure that accurate minutes of the meetings of the Committee are kept and distributed in the manner prescribed by Article I Section 6.

Section 4 Additional Duties.

The officers of the Committee shall perform such other duties and functions as may to time be required by the Committee or by the laws, rules and regulations governing the Committee.

Section 5 Election.

The officers shall be elected once each year at the Annual Meeting from among the members of the Committee and shall hold office from the annual meeting at which they are elected to the next annual meeting, or until their successors are elected and qualified. The officers may be reelected and serve for successive terms.

Section 6 Vacancies.

Should the office of Chairperson or Vice Chairperson become vacant, the Committee shall elect a successor from its membership at the next meeting and such election shall be for the unexpired term of said office.

Section 7 Additional Personnel.

Should funds ever be appropriated to the Committee for this purpose or for the general use of the Committee, the Committee may employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by federal, state and local laws, rules, regulations or guidelines. The selection and compensation of such personnel shall be determined by the Committee subject to any applicable laws.

ARTICLE III Meetings

Section 1 Annual Meeting.

The annual meeting of the Commission shall be the first meeting held after October 1 of each year at a time and location designated in the "Notice of Annual Meeting" mailed or delivered to each Committee member at least seven (7) days before such meeting.

Election of officers, renomination and nomination shall take place at the annual meeting, and shall occur in the following order: 1) renomination; 2) nomination; and 3) election. Those who may vote and run for office are those persons who have been nominated or renominated.

Section 2 Regular Meetings.

Regular meetings of the Committee shall be subject to the call of the Chairperson. At least seven (7) days notice of the meeting shall be provided to all Committee members by mailing or delivering a written notice to the address provided by the member to the Committee. The written notice of the regular meeting may be mailed or delivered with the agenda for the meeting. The news media shall be informed of meeting dates, times and places.

Section 3 Special Meetings.

The Chairperson of the Committee may, when it is deemed expedient, and shall, upon the written request of at least two members of the Committee, call a meeting of the Committee for the purpose of transacting any business of the Committee.

The purpose of the meeting shall be set forth in the call of the meeting and the call may be mailed or delivered to each Committee member and the news media at the address provided to the Committee at least two (2) days prior to such meeting.

At the special meeting no business shall be considered other than as designated in the call; however, if all of the members of the Committee are present at a special meeting, any item of business may be transacted if the members of the Committee vote unanimously to transact said business.

Section 4 Frequency of Regular and Special Meetings.

There shall be at least one (1) regular or special meeting per year. This requirement may be fulfilled by the annual meeting.

Section 5 Quorum.

The powers of the Committee shall be vested in the Committee. Thirty percent (30%) of the total membership of the Committee shall constitute a quorum for the purpose of opening a meeting.

At a meeting, action may be taken pursuant to an affirmative vote of a majority of all those present, unless a majority of those present is less than the number required for a quorum. If a majority of those present is less than the number required for a quorum, then action may be taken upon an affirmative vote of the number required for a quorum.

Section 6 Order of Business.

At meetings of the Committee the following shall be the order of business:

1. Roll Call
2. Reading and approval of minutes of previous meeting
3. Communications
4. Reports of subcommittees
5. Presentations by members of the public
6. Unfinished business
7. New Business
8. Adjournment

Section 7 Manner of Voting.

The voting on all questions coming before the Committee shall be by yeas or nays, or a show of hands, unless action is taken for a roll call vote on a particular matter. If a roll call vote is approved, the yeas and nays shall be recorded in the minutes of such meeting.

Section 8 Manner of Conducting Meetings.

No standard rules of procedure shall be required unless adopted by a unanimous vote of a quorum of the Committee members. The meetings shall be conducted with order and decorum. The Committee shall follow the procedure determined appropriate by the Chairperson of the Committee, which may include the following:

1. No person shall speak unless first recognized by the Chairperson.
2. Debate on a matter shall be closed by a motion and second to bring the matter to a vote.
3. Any member of the Committee may make or second a motion.

Section 9 Participation b Members of the Public.

Members of the Pubic are encouraged to attend all regular, special and annual meetings of the Committee. An opportunity will be provided at each meeting for members of the public to address the Committee on matters relating to local emergency preparedness.

A member of the public who desires to address the Committee may mail a written notice of intent to appear to the Chairperson at the address found in Article I Section 3 and then sign in with the Vice Chairperson at the time and place of the meeting before the meeting begins.

Members of the public who appear at the meeting and wish to address the Committee will be allowed to do so without a prior written notice of intent to appear; however, they will be required to wait until after any members of the public who have provided written notice of intent to appear have spoken.

Members of the public are also encouraged to provide written opinions and information to the Committee by mailing written materials to the Chairperson at the address found in Article I Section 3. Members of the public include, but are not limited to, citizens, industry representatives, experts, expert witnesses and governmental entity representatives.

ARTICLE IV Membership

Section 1 Members.

The members of the Committee shall consist of elected officials police, fire, first aid, civil defense, public health professionals, environmental, hospital, and transportation officials, as well as representatives of facilities located in Wyandotte County that will be subject to the emergency planning requirements composed and adopted by the Committee, community groups and the media.

All members must be appointed by the State Emergency Response Commission.

Section 2 Term of Membership.

All members shall serve for the term which extends from the annual meeting at which they are nominated or renominated until the next annual meeting.

Section 3 Attendance at Meetings.

All members of the Committee are required to attend at east fifty percent (50%) of all meetings of the Committee held in any twelve (12) consecutive months, unless excused. A Committee member will be excused from a meeting for good cause and upon notification to the Chairperson or Vice Chairperson.

Section 4 Expulsion.

If, at any time, according to the attendance records located in the Journal of the Committee, a member has not attended at least fifty percent (50%) of all meetings of the Committee in any twelve (12) consecutive months, except for excused absences, that member shall he subject to expulsion from the Committee.

Section 5 Substitute Representatives.

If a Committee member will be unable to attend a Committee meeting, a substitute representative may attend for that member. The substitute representative may take part in discussions of the Committee on behalf of the absent Committee member but shall not be allowed to move, second or vote on any matters before the Committee.

Further, the substitute representative's attendance shall not be counted as a present member when it is determined whether a quorum is in attendance or as attendance for the member of the Committee for whom the representative is attending.

Section 6 Filling Vacancies and Adding New Members.

Should vacancies occur on the Committee, they may be filled by persons recommended to the State Emergency Response Committee by the Committee and appointed by the State Emergency Response Commission.

Vacancies which occur on the Committee do not have to be filled unless, because of the vacancy, the Committee will no longer meet any relevant local, state or federal requirements. Should it be deemed necessary to add new members to the Committee, the procedure shall be the same as for filling vacancies.

Section 7 Number of Members; Yearly Renomination and Reappointment.

The Committee shall consist of 20 members. During October of each year, all members of the Committee shall be renominated and reappointed, or new members shall be nominated or appointed if the number of members has fallen below 20 during the previous year.

ARTICLE V Subcommittees

Section 1 Appointment of Subcommittees.

The Chairperson may from time to time appoint subcommittees composed of members of the Committee to study and report on matters relevant to the Committee.

ARTICLE VI Amendments

Section 1 Amendments to Bylaws.

The bylaws of the Committee may be amended by an affirmative vote of fifty one percent (51%) of the total membership of the Committee. No vote shall be taken to amend the bylaws until the proposed amendment has been reduced to writing and read at the meeting at which the proposed amendment is voted upon.

Section 2 Filing of Bylaws and Amendments to Bylaws.

A copy of the bylaws and any amendments to the bylaws shall be provided to: the Board of County Commissioners of Wyandotte County; the Kansas City, Kansas, City Clerk; the State Emergency Response Commission; and any person who requests a copy or copies.

ADOPTED BY THE EMERGENCY PLANNING COMMITTEE FOR WYANDOTTE COUNTY.